THE HONOURABLE SRI JUSTICE V.ESWARAIAH

Date:9-3-2006

WRIT PETITION No.4579 OF 2006

BETWEEN:

M.Ramu

…Petitioner

And

The Kapra Municipality, rep.by its Commissioner, Kapra, Rangareddy District.

…Respondent

ORDER:

The petitioner seeks to issue a writ of mandamus, directing the respondent not to demolish the compound wall of the vacant site in an extent of 250 Sq.yards covered under Sy.No.259, identified as plot No. D-7, situated at Karthikeyanagar colony, Nacharam village, Uppal Mandal, Rangareddy District, contrary to the injunction orders passed by the Principal Junior Civil Judge, Rangareddy District on 3-5-2005 in I.A.No.3053 of 2004 in O.S.No.1179 of 2004.

Heard the learned counsel appearing for the petitioner as well as the learned standing counsel appearing for the respondent.

The civil Court by order dated 3-5-2005 in I.A.No.3053 of 2004 in O.S.No.1179 of 2004, restrained the Kapra Municipality from

interfering with the peaceful possession and enjoyment of the petitioner. The property of the petitioner in an extent of 250 sq.yards, is situated in Sy.No.259, plot No.D-7, Block No.1, Nacharam, Rangareddy District, bounded by: North: 20' wide road, South: plot No.C-8, East: Plot No.C-7 part, West: 30' wide road.

If the said injunction order is violated, it is always open for the petitioner to take appropriate action under the Contempt of Courts Order before the civil Court, but the petitioner is not entitled to invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India to implement the Civil Court order. However, I am of the opinion that the so-called compound wall is not the subject matter of the suit schedule property. Therefore, the petitioner is not entitled for any relief in this writ petition.

The writ petition is accordingly dismissed. No order as to costs.

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V.ESWARAIAH, J

Date: 9-3-2006.

Shr.